

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JILL AYRES, an individual;

Plaintiff,

vs.

NEBRASKA DEPARTMENT OF
HEALTH & HUMAN SERVICES,
A Nebraska Political Subdivision;
JOAN WELDON, in her official and
individual capacities, TALANA SAYRE,
in her official and individual capacities,
SARAH BROCK, in her official and
individual capacities; BRENDA CHASE,
in her official and individual capacities,
DIANE MARTIG, in her official and
individual capacities, and LANA
SAYERS, in her official and individual
capacities,

Defendants.¹

4:17CV3116

ORDER TO SHOW CAUSE

[Federal Rule of Civil Procedure 4\(m\)](#) provides, “If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” [Fed. R. Civ. P. 4\(m\)](#).

Plaintiff filed the Complaint against the above named defendants, including Sarah Brock, on September 1, 2017. ([Filing No. 1](#)). More than 90-days have elapsed since Plaintiff first initiated this action against Sarah Brock. The record does not reflect that Sarah Brock has been served, nor has she entered a voluntary appearance or otherwise appeared in this case.² Accordingly,

¹ Per the caption of Plaintiff’s Amended Complaint ([Filing No. 25](#)), Project Harmony is no longer listed as a Defendant in this action.

² The Motion to Dismiss ([Filing No. 11](#)) was only filed on behalf of the Nebraska Department of Health and Human Services, Joan Weldon, Brenda Chase, Talana Sayre, and Diane Martig, but not Sarah Brock. The brief ([Filing No. 12](#)) in support of the motion notes in a footnote that as of the date of the brief (September 27, 2017), Sarah Brock had not been served.

IT IS ORDERED that Plaintiff shall have until February 9, 2018, to show cause why this case should not be dismissed against Defendant Sarah Brock pursuant to [Federal Rule of Civil Procedure 4\(m\)](#). The failure to timely comply with this order may result in dismissal of this action against Defendant Sarah Brock without further notice.

Dated this 19th day of January, 2018.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge